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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

No. CR 11-81 BR

Plaintiff,

vs.

Defendant Rose's 3rd Motion to Continue
Trial Date and Motions Deadlines

DAMIEN ROSE,

Defendant.

Defendant Damien Rose through his attorney Laurie Shertz hereby moves this Court for an Order setting over present trial date of November 14, 2011 and the accompanying motions deadlines, for a period of approximately 90 days, to a date on or after February 9, 2012.

This motion is based on the attached declaration of counsel. This request is made pursuant to 18 USC 3161(h)(7)(A) to allow counsel sufficient time to complete investigation and preparation.

Respectfully Submitted this 12th day of October, 2011.



LAURIE SHERTZ, OSB # 96477
Attorney for Damien Rose

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

No. CR 10-195-01 JO

Plaintiff,

vs.

DAMIEN ROSE,

Declaration of Counsel in Support of
Defendant Rose's 3rd Motion to
Continue Trial Date and Motions
Deadline

Defendant.

I, Laurie Shertz, state under penalty of perjury under the laws of the United States of America pursuant to 28 USC §1746 that the following is true and correct:

1. As the Court will remember, Mr. Rose was arraigned on March 3, 2011. I was appointed to assist him effective March 23, 2011, by the Honorable Anna J. Brown.
2. Mr. Rose is out-of-custody under the supervision of Pretrial Services and is in compliance. He is presently enrolled in school and, despite his age, is enrolled in school attempting to finish his high school diploma.
3. The date presently set for trial is November 14, 2011.
4. As has been previously discussed, this case charges the defendant with possession of an unregistered firearm, as part of the larger ATF 'Operation Kraken' set of

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cases presently pending in the district. The defendant faces a prison term if convicted.

5. I have spoken with AUSA Nyhus and explained that our investigation and efforts to obtain records is ongoing. Some of the records are older, and subject to court order. Additionally, we are pursuing the services of an expert in conjunction with this matter and their analysis is not yet completed.

6. AUSA Nyhus has no objection to a continuance in this matter, for approximately an additional 90 days.

7. I discussed this continuance with my client last week. He understands the time will not run for speedy trial purposes, agrees a continuance is necessary, and he consents to the continuance of the trial date.

8. I therefore request both the trial and the motions briefing schedule in this case be continued approximately 90 days.

9. I believe a continuance in this matter is necessary to comport with Due Process and protect my client's Constitutional rights. Moreover, I cannot complete the necessary work to provide my client with a constitutionally adequate defense within the current scheduling parameters and trial schedule.

Respectfully Submitted this 12th day of October, 2011.



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